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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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TETRIS HOLDING, LLC and THE )  
TETRIS COMPANY, LLC, )  
Plaintiffs and )  
Counterclaim-Defendants, )  
vs. )Civil Action No.  
XIO INTERACTIVE INC., ) )3:09-CV-6115(FLW) (DEA)  
Defendant and )  
Counterclaim-Plaintiff. )  
\_\_\_\_\_  
)

VIDEOTAPED DEPOSITION OF

DESIREE GOLEN

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January 28, 2011

REPORTED BY:

JULIE ANNE ZEIGLER, RPR, CSR 9750

JOB #432442

1           A.    I think I wrote -- I wrote this copy, but I  
2 think I remember getting input from other people.

3           Q.    Well, in it, you wrote, among other things,  
4 "We specialize in creating real-time multiplayer games  
5 and perfecting social gaming experience." Do you see  
6 that?

7           A.    Um-hum.

8           Q.    The only games Xio ever created was Mino,  
9 right?

10          A.    We created Mino and Mino Lite.

11          Q.    And then you go on to say, "Using our  
12 proprietary Xio-based technology." What did you mean  
13 by your "proprietary Xio-based technology"?

14          A.    I think I must have meant that we created --  
15 that Xio created Mino from scratch, and we had the  
16 technology capabilities to create Mino from scratch. So  
17 I think "Xio-based" is just referring to our source  
18 code.

19          Q.    You say you created Mino from scratch; is  
20 that your testimony?

21          A.    Yes.

22          Q.    Isn't it true that when you created Mino, you  
23 were aware of how the EA Tetris game looked?

24           MS. MAITRA: Objection; asked and answered.

25           THE WITNESS: I don't remember when we started